

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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KYRIN TAYLOR

Plaintiff,

v.

Docket No.: CV-22-2236  
(HG)(SIL)

COOPER POWER & LIGHTING., MITCH COOPER  
DAREN SOBEL, and AUSTIN RUTELLA

Defendants.  
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**AFFIRMATION IN SUPPORT  
OF MOTION FOR A JUDGMENT  
OF DEFAULT**

**FREDERICK K. BREWINGTON**, an attorney duly licensed to practice law in the State of New York, hereby affirms, under penalties of perjury, the following:

1. I am the attorney for the Plaintiff in the within action, and I am fully familiar with the factual circumstances surrounding this matter. The facts set forth herein are known to me to be true except such facts as stated to be upon information and belief, which statements are true to the best of my knowledge.

2. I submit this *Affirmation* in support of Plaintiff's motion for a *Judgment of Default* against Defendant AUSTIN RUTELLA, and same is based on my own personal knowledge, review of the file, investigation, research, and discussions with my client.

3. This action was commenced pursuant to 42 U.S.C. §§1981, 1985, 1988, and related State laws stated herein.

4. Plaintiff seeks monetary relief, including past and on going economic loss, compensatory and punitive damages, costs and fees for violations of rights and unlawful conduct of the Defendant.

5. The time within which the Defendant may Answer or otherwise move with respect to the Amended Complaint has expired; said Defendant has not Answered or otherwise moved with respect to the Complaint, and the time for the Defendant to do so has not been extended.

6. Said Defendant is not an infant or incompetent. Upon information and belief, Defendant is not presently in the military service of the United States.

7. The within action was commenced on or about March 19, 2022. On or about May 9, 2022, at approximately 10:00 a.m., Defendant was properly served with the Summons and Complaint at his place of business, Cooper Power & Lighting Corp., located at 39 Central Ave. Farmingdale, N.Y. 11735. The Summons and Complaint was delivered to a Melissa C. a person of suitable age and discretion who, upon information and belief, is authorized to accept service on behalf of employees of Cooper Power & Lighting Corp. On May 12, 2022, service of the Summons and Complaint was completed when the process server deposited a copy of the Summons and Complaint and mailed same to the above address in a first class, post paid envelope marked "Personal and Confidential." (**Exhibit A**)

8. Again Plaintiff attempted to affect service upon Defendant Sobel. On December 10, 2022, at 6:15 p.m., the Summons and Complaint was delivered at Defendant's usual place of abode, at 294 Cass Street, Dix Hills, New York, upon one Kaitlyn Rutella, Spouse of Austin Rutella, an individual of suitable age and discretion, and who is authorized to accept service on behalf of the Defendant. Thereafter, a copy of the Summons sand Complaint was deposited in a post paid sealed envelope properly addressed to Defendant Rutella's address (**Exhibit**

B)

9. AUSTIN RUTELLA has not produced himself to date, and the time has expired for which he could Answer or otherwise move.

10. To date this office has not received an Answer or pre-Answer motion with respect to defendant AUSTIN RUTELLA .

11. No Previous application for said relief has been made.

**WHEREFORE**, this office respectfully requests the Court, pursuant to F.R.C.P. 55(a), note and grant a default judgment against defendant AUSTIN RUTELLA and set the matter down for submission of proofs as to damages, costs and fees.

Dated: Hempstead, New York  
January 24, 2024



FREDERICK K. BREWINGTON